IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13489 of 2005

Between:

Sd Imtiyaz, S/o. Chand Basha,
R/o. H.No. 24/1773, Ambedkar Nagar, Dargamitta, Nellore,
Nellore District.

..... PETITIONER

AND

1 The Nellore Muncipal Corporation, Represented by its Commissioner,
Nellore, Nellore District.
2 P. Sridevi, W/o. Rambabu,
R/o. Plot No. 24-1/1526, Bramhanandapuram, Dargamitta, Nellore-II, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the 1st respondent in not taking action against the unauthorized construction being taken up by the 2nd respondent inspite of the representations made by the petitioner as illegal, arbitrary, erroneous and unconstitutional and consequently direct the 1st respondent to demolish and remove the unauthorized construction being made on vacant premises of house bearing No. 24-1/1526 Brahmanadapuram, Dargamitta, Nellore and pass such other order or orders as this Hon'ble court may deem fit and proper.

Counsel for the Petitioner: MR.CHAVALI RAMANAND

Counsel for the Respondent No.: MR.S.NAGESWARA REDDY

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the inaction of the first respondent in not taking action against the unauthorized construction being taken up by the 2nd respondent inspite of the representations made by the petitioner as illegal, arbitrary and consequently direct the first respondent to demolish and remove the unauthorized construction being made on the vacant premises of house bearing No. 24-1/152, Brahmanandapuram, Dargamitta, Nellore.

The main grievance of the petitioner is that the second respondent is constructing huge building encroaching onto the road on its east side, without obtaining any prior permission as required to be obtained from the Nellore Municipal Corporation-first respondent herein. To that effect he made a representation dated 2.6.2005 to the first respondent, but the first respondent is not taking any action on the representation submitted by the petitioner.

In view of the above facts an circumstances, without going into the merits of the case, I deem it appropriate to direct the first respondent to dispose of the representation dated 2.6.2005 in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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E. DHARMA RAO, J

DATED: 24/06/2005

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To

1 The Nellore Muncipal Corporation, Represented by its Commissioner, Nellore, Nellore District.

2. Two CD copies.